

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SAMMY ZAPATA, PRO SE,	§	
also known as	§	
SAMUEL ZAPATA,	§	
TDCJ-CID No. 1329614,	§	
Previous TDCJ-CID No. 438490,	§	
Previous TDCJ-CID No. 137248,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:08-CV-0055
	§	
ROY EASON,	§	
MRS. NFN MARTINEZ, and	§	
NFN GRIMES,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff SAMMY ZAPATA, acting *pro se* and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On February 12, 2010, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending the instant cause be dismissed with prejudice as frivolous.

The period for objections has expired, and plaintiff has failed to file objections to the February 12, 2010, Report and Recommendation.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the instant cause is DISMISSED WITH PREJUDICE AS FRIVOLOUS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

Signed this the 12th day of March, 2010.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
United States District Judge